

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION; THE
COMMISSIONER OF THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION; and THE ADMINISTRATOR
OF THE NEW JERSEY SPILL
COMPENSATION FUND,

Plaintiffs,

v.

ATLANTIC RICHFIELD CO., et al.,

Defendants.

IN RE MTBE LITIGATION

MASTER FILE No. 1:00-1898

MDL No. 1358 (VSB)

Civil Action No. 08-cv-00312

**ORDER FOR FEES RELATED TO THE SETTLEMENTS WITH
DEFENDANT GETTY PROPERTIES CORP., with DEFENDANT TOTAL
PETROCHEMICALS & REFINING USA, INC. and with all parties related to the H.P.
DELTA TRIAL SITE**

THIS MATTER having come before the Court on application by Cohn Lifland Pearlman Herrmann & Knopf LLP (“CLPHK”) (Leonard Z. Kaufmann appearing), on behalf of CLPHK and on behalf of Miller and Axline P.C., the Law Offices of John K. Dema, P.C. and Berger & Montague P.C. (collectively referred to herein as “Special Counsel”), and upon notice to and with the support of Gurbir S. Grewal, Attorney General of the State of New Jersey, upon motion of Special Counsel for approval of the attorneys’ fees to be paid on the recovery resulting from the following settlements:

- Defendant Getty Property Corp. in the amount of \$13,500,000 approved by this Court on December 17, 2020,
- Defendant Total Petrochemicals & Refining USA, Inc. in the amount of \$1,500,000 approved by this Court on January 13, 2021,
- Third party defendants named by Getty Property Corp. for the remanded H.P. Delta trial site, in the amount of \$1,350,000 approved by the Hon. Freda Wolfson, U.S.D.J. in the remand court, the United States District Court for the District of New Jersey, on December 9, 2020.

and the Court having read and considered the papers submitted, and good cause having been shown for the making and granting of the within Order;

IT IS on this _____ day of _____, 2021 hereby

ORDERED as follows:

1. Special Counsel shall be and hereby is entitled to a fee of fifteen percent (15%) of the net recoveries referenced above— said amount being two million, four hundred and thirty thousand, eight hundred and sixty five dollars and forty one cents (\$2,430,865.41). The Court finds such fee to be reasonable and in accordance with *Rule* 1:21-7 of the Rules Governing the Courts of New Jersey and *Rule* 1.5 of the New Jersey Rules of Professional Conduct.

2. Plaintiffs shall pay said amount to Special Counsel forthwith.

3. A copy of the within Order shall be served upon the Office of the Attorney General of the State of New Jersey within five (5) days of the receipt thereof.

SO ORDERED.

Hon. Vernon S. Broderick, U.S.D.J.